

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM HEPNER

Plaintiff,

v.

**THOMAS JEFFERSON UNIVERSITY
HOSPITAL,**

Defendant.

CIVIL ACTION

NO. 12-5443

ORDER

AND NOW, this 24th day of May, 2013, upon consideration of Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 10, filed January 15, 2013), Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss (Document No. 11, filed January 23, 2013), and Defendant's Reply in Support of its Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 14, filed February 1, 2013), for the reasons set forth in the Memorandum dated May 24, 2013, **IT IS ORDERED** that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. That part of defendant's Motion which seeks a dismissal of plaintiff's claims of interference under the FMLA for (1) failing to properly designate time off from work by plaintiff as FMLA time, and (2) failing to provide plaintiff with individualized notifications of his rights, obligations and entitlements under the FMLA, under the Second Cause of Action of the Amended Complaint, is **GRANTED WITHOUT PREJUDICE** to plaintiff's right to file a second amended complaint consistent with the Memorandum dated May 24, 2013, within twenty (20) days if warranted by the facts.

2. Defendant's Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.